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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/13/16

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

: 15cr607

: DISCOVERY ORDER

: -against-

JAMES CAPERS, *et al.*,

: Defendants.

WILLIAM H. PAULEY III, District Judge:

By Stipulation and Order filed December 2, 2015 (ECF No. 41), this Court approved the appointment of Emma Greenwood as Discovery Coordinator to facilitate the production and dissemination of voluminous common discovery. This Court appreciates the efforts of the Discovery Coordinator in this action.

However, the appointment of the Discovery Coordinator did not relieve any counsel in this action of their responsibility to communicate with the Court about significant discovery issues. Between the last conference on January 29, 2016 and today, this Court received no communications from any attorney or the Discovery Coordinator that there were any significant discovery issues.

At today's April 13 conference, this Court learned for the first time about a massive dump of wiretap data from a year-long investigation by the Bronx County District Attorney. The Government and defense counsel should have alerted this Court to those developments in advance of today's conference.

While the Discovery Coordinator submitted a status report dated April 12, 2016 in anticipation of the April 13 conference, her report did not reach Chambers until after the

conference concluded. Therefore, it was of little utility. And even had the report been received just before the conference, a last-minute submission is an undue imposition on the Court. Accordingly, the Discovery Coordinator is directed to submit status reports to the Court no later than three days prior to any scheduled conference.

In addition, the Discovery Coordinator is reminded that she was specifically appointed by this Court as “Discovery Coordinator” pursuant to a stipulation, and that the Court rejected her request to be appointed as “Coordinating Discovery Attorney.” Her future reports and correspondence with this Court should properly characterize her appointment.

Finally, all counsel are reminded of their responsibility to keep the Court abreast of issues arising in this criminal case. In retrospect, the Government’s Sixth Discovery Production was one such issue.

Dated: April 13, 2016  
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III  
U.S.D.J.